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Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Religion-based Refugees in France: The Church of Almighty God

International organizations, including the UNCHR, have repeatedly expressed their concern that too often, in several countries, refugee status is denied to persons fleeing religious persecution, based on an insufficient understanding of the international law on religion-based refugee claims, and perhaps on a general political and cultural climate hostile to refugees.

A particularly alarming case concerns Chinese asylum seekers in France, members of a religious organization known as the Church of Almighty God (CAG). As of June 2019, 444 CAG members have requested asylum in France. Asylum has been granted only to 37 of them. In 407 cases, the asylum request has been rejected, and 227 Cg refugees have received a departure order.

CAG is a Christian new religious movement founded in China in 1991. It teaches that Jesus Christ has returned to Earth and incarnated as Almighty God, a living person who, according to the Church, came to teach the fullness of truth.

Credited by Chinese official sources with a membership of some four million (see the document reproduced at <https://www.adhrrf.org/china-ma-xingrui-20140709.html>), CAG has been banned and persecuted in China since at least 1995.

The Chinese regime later started accusing CAG of various crimes, including the murder of a woman in a McDonald's diner in Zhaoyuan in 2014. Unfortunately, some Western media repeated this accusation, although scholarly studies have debunked it as an egregious example of fake news spread to discredit the CAG. In fact, the group responsible for the murder used the name "Almighty God," but was not part of the CAG and had different religious beliefs (see Massimo Introvigne, "'Cruel Killing, Brutal Killing, Kill the Beast': Investigating the 2014 McDonald's 'Cult Murder' in Zhaoyuan," *The Journal of CESNUR* 1 (2017):61-73, available at http://cesnur.net/wp-content/uploads/2017/09/tjoc_1_1_6_introvigne_ter.pdf; Massimo Introvigne and David Bromley, "The Lü Yingchun/Zhang Fan Group," *World Religions and Spirituality Project*, Virginia Commonwealth University, October 16, 2017, available at <https://wrldrels.org/2017/10/16/lu-yingchun-zhang-fan-group/>). Other rumors against CAG have also been debunked as fake news by studies authored by reputable academic scholars (see e.g. study by Professor Holly Folk at http://cesnur.net/wp-content/uploads/2017/12/tjoc_1_2_5_folk.pdf).

The Criminal Code of China, Article 300, makes a crime punishable with jail penalties up to seven years and more of "using," which the courts interpret as "being active," in a *xie jiao*, an expression sometimes translated as "evil cult," although it dates back to the Ming period and identifies "heterodox teachings," or teachings not approved by the government. To be sentenced under Article 300 it is not necessary to have committed any crime other than being active in a group listed as a *xie jiao*. Indeed, in several instances the fact of being found in possession of CAG literature was regarded as sufficient to impose jail penalties.

Definitions of *xie jiao* are vague and in practice, in China, the groups regarded as *xie jiao* are those included in lists of religious "illegal organizations" published since 1995 and periodically updated. CAG has consistently appeared in these list. Chinese authorities have declared repeatedly that destroying CAG is among their priorities and that it should be "completely eradicated as a tumor." Monetary rewards have been offered to those who denounce in China members of CAG.

Based on its internal statistics, CAG believes that more than 400,000 of its members have been arrested in China. The respected NGO Freedom House reported that 80% of those persecuted in China for belonging to "heterodox religions" between 2014 and 2016 were members of CAG (https://freedomhouse.org/sites/default/files/FH_ChinasSprit2016_FULL_FINAL_140page_s_compressed.pdf, page 48). CAG has also denounced several cases where its members died in custody in highly suspicious circumstances or were tortured. These cases were

mentioned in international reports, including the 2019 by the U.S. State Department (<https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>) and the U.S. Commission on International Religious Freedom (<https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>).

Summing up, there can be no reasonable doubt that the mere fact of being a member of CAG in China means to be exposed to a serious risk of imprisonment for several years, if not worse. This should mean that CAG members who reached France are entitled to the status of refugees for reasons of religious persecution.

The 2004 UNHCR Guidelines on International Protection: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees explicitly affirms that states cannot require evidence that the asylum seeker has been individually persecuted. It is enough to prove that the individual has a “well-founded fear of persecution.” It should be abundantly clear that a member of the CAG in China has a very well-founded fear of persecution, for the mere fact of being a member of the CAG. If detected as such, every member of CAG faces arrests and imprisonment.

French authorities have objected that the fact that CAG members were able to avoid capture for several years by moving from one city or village to another is evidence that they were not persecuted. As mentioned earlier, CAG has several million members in China and, just as other persecuted religions, has built strong networks of believers capable of operating underground and hiding those brothers and sisters who have already been identified as CAG members by the authorities. But having to move constantly, without a home and in constant fear of being captured constitutes precisely the “fear of persecution” mentioned by the international conventions.

Another frequent objection is that, as former convicts and members of a banned organization, CAG devotees should not have been able to obtain a passport, and should have been stopped at the border without being able to leave China. The fact that they did leave China and enter France with a passport was constructed as evidence that they were not persecuted. This objection ignores the practical realities of the Chinese situation. The control system of the police is not infallible, data are not necessarily transmitted from one administration to another, and there are always alternative ways to obtain passports and other documents, with one’s own real or with an assumed name, and to elude border controls, due to the widespread corruption in the country.

In some cases asylum seekers were accused of not knowing enough their religion, and their very identity as CAG members was cast in doubt. Paragraph 30 of the 2004 UNHCR *Guidelines* states that: “Individuals may be persecuted on the basis of their religion even though they have little or no substantive knowledge of its tenets or practices.” In the specific French cases, however, we have the impression that asylum seekers did not conform to the tenets of the religion as depicted in the sources available to the authorities. The “sources” mentioned, however, are not CAG’s normative sacred texts, nor are they part of the scholarly literature. French decisions mention media articles, which simply translate or repeat biased Chinese governmental sources, and reports included in the UNHCR’s COI database that scholars have criticized as outdated.

Most refugees file a certificate by the local branch of the CAG certifying they are bona fide members. Authorities often do not believe them. However,

- (a) CAG has effective, if clandestine, ways to contact communities in China and confirm who was a member there;
- (b) CAG members use a jargon and are aware of religious insights and practices that it would be very difficult for an outsider to imitate, even after a careful study of the CAG’s publicly available literature and Web sites;
- (c) if the certification is too simple and short, it is claimed that it is not believable, and if it is too detailed, that it is too well done and prepared with the sole aim to support the asylum requests. This places an impossible burden of evidence on the refugee.

Finally, there are cases where the narratives of the refugees are regarded as contradictory. However, translation problems should be taken into account, as well as the fact that refugees are unfamiliar with European legal systems and are often still traumatized by their past experiences. We believe that an effort should be made to perceive the essential truth of their stories beyond the possibly confusing details.

We acknowledge that some recent French decisions granted asylum to CAG refugees and took into account the scholarly literature on the CAG. However, in too many other cases, asylum was denied. Departure orders are of particular concerns. It should be clear that deporting CAG members to China means giving victims back to their persecutors. We respectfully urge French authorities to revise their policy about CAG asylum seekers and to grant asylum to the CAG members who escaped to France and would face arrest, long detention, and torture in China if they would return there.
